

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2024

DOCKET NUMBER: AR20230005312

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in:

- block 7a (Place of Entry into Active Duty), Boston, MA instead of "Bonston, MA"
- block 12a (Date Entered Active Duty this Period), an earlier date

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- ACTS online application in lieu of DD Form 149 (Application for Correction of Military Record), 17 April 2023
- Self-authored statement, undated
- DD Form 4 (Enlistment or Reenlistment Agreement -- Armed Forces of the United States), page 4, 26 July 1976
- DD Form 214 (Report of Separation from Active Duty), 5 April 1978
- DD Form 214, 29 September 1992
- Army Human Resources Command (AHRC) Form 292-E (Chronological Statement of Retirement Points), 11 March 2004
- Defense Finance Accounting Service Form 1340/2 (Estimated Earnings During Military Service), 10 March 2023
- United States Postal Service letter, 4 April 2023

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states, in effect, he was on active duty from 26 July 1976 to 29 September 1992. He reenlisted in April of 1978 when he requested a change of station to Hawaii. His DD Form 214 was not correct when he left service. He is trying to buy back his service time and his employer requested his DD Form 214 date of entry to match his basic Active Service Date so it matches his estimated earnings statement.

3. The applicant provided copies of:

- His DD Form 4, page 4 showing his initial enlistment in the Regular Army (RA).
- An AHRC form 249-2-E showing the retirement points he earned.
- A DFAS-CL 1340 issued to him from DFAS showing his estimated earnings during his military service. This shows an initial date of 27 July 1976 and an end date of 29 September 1992.
- A USPS letter dated 4 April 2023, requesting he provide undeleted copies of his DD Forms 214 in order to process his military buy back application.

4. The applicant's records contain sufficient evidence to support an administrative correction to his DD Form 214 for the period ending 29 September 1992, not requiring Board Action and will be listed in the administrative notes section.

5. A review of the applicant's service records shows:

a. On 12 February 1976, he enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program (DEP) for a term of 6 years. Block 6 (Place of Enlistment/Reenlistment (City and State)) shows Boston, MA.

b. On 26 July 1976, he was discharged from the USAR DEP and enlisted in the RA for a term of 4 years.

c. On 6 April 1978, he was discharged from the RA for immediate reenlistment. His DD Form 214 for this period shows in:

- Item 9d (Effective Date (of discharge): 6 April 1978
- Item 15 (Date Entered Active Duty this Period): 27 July 1976
- Item 18a (Net Active Service This Period): 1 year, 8 months, and 10 days
- Item 18b (Prior Active Service): none
- Item 18d (Prior Inactive Service): 5 months and 15 days

d. He reenlisted/extended in the RA:

- on 7 April 1978 for 3 years
- on 22 December 1980 for 1 year and 5 months (DA Form 1695 Oath of Extension of Enlistment)
- on 2 October 1981 for 5 years
- on 7 November 1986 for 3 years
- on 7 March 1989 for 3 years
- on 6 November 1991 for 4 years
- on 30 September 1992 for 6 years

e. On 29 September 1992, he was honorably discharged by reason of voluntary early transition program. His DD Form 214 for this period shows in:

- block 12a (Date Entered Active Duty this Period): 7 April 1978
- block 12b (Separation Date this Period): 29 September 1992
- block 12c (Net Active Service this Period): 14 years, 5 months and 23 days
- block 12d (Total Prior Active Service): 1 year, 8 months, and 10 days
- block 12e (Total Prior Inactive Service): 5 months and 15 days

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The Board found the name of the city Boston was clearly misspelled and should be corrected.

b. The Board also noted the applicant enlisted in the Regular Army and entered active duty on 26 July 1976 and he was discharged on 6 April 1978, for immediate reenlistment. He was issued a DD Form 214 that credited him with 1 year, 8 months, and 10 days of active service. He reenlisted on 7 April 1978 and served through multiple reenlistments. In October 1979, the Army discontinued the issuance of a separate DD Form 214 for each instance of immediate reenlistment. As such, his retirement DD Form 214 correctly shows his date of entry as 7 April 1978 and date of retirement as 29 September 1992, with 14 years, 5 months and 23 days of active service and 1 year, 8 months, and 10 days of prior active service. The Board found no error or injustice.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

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:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD Form 214 for the period ending 29 September 1992 to show in block 7a Boston.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the date of entry on active duty.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 635-5 (Separation Documents), effective on 1 October 1979, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. The DD Form 214 is of vital importance to the separating Soldier and must be properly prepared according to prescribed guidance; ensure all information on the DD Form 214 and other separation documents is accurate.

a. A DD Form 214 would not be prepared for enlisted members discharged for immediate reenlistment in the Regular Army.

b. The instructions for item 12a (Date Entered Active Duty This Period) read, enter the date of the first day of the last immediate reenlistment for which a DD Form 214 was not issued.

c. The instructions for item 12b (Separation Date This Period) read, self-explanatory, meaning enter the date of separation from active duty.

d. The instructions for item 12c (Net Active Service this Period) read, all service entered will be less time lost under Title 10 U.S.C. Section 972 and time lost after expiration of term of service. For Cadets, enter the total time between dates entered in items 12a and be with reference to item 18h (Effective Date of Promotion to Pay Grade).

3. Army Regulation 635-5 (Separation Documents), Interim Change 1, effective on 1 October 1989, prescribed the separation documents that must be prepared for soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214.

a. In Block 7a (Place of Entry into Active Duty), enter the city and state from which the Soldier last entered or was ordered to active duty. For overseas enlistment addresses, include the APO or FPO.

b. In Block 12 (Record of Service), use extreme care in completing this block since post-service benefits, final pay, retirement credit, and so forth are based on this information.

c. In Block 12a (Date Entered Active Duty), enter the beginning date of the continuous period of AD for issuance of this DD Form 214, for which a DD Form 214 was not previously issued.

d. In Block 12b (Separation Date This Period), enter the Soldier's transition date. This date may not be the contractual date if soldier is separated early, voluntarily extends, or is extended for make up of lost time, or retained on active duty for the convenience of the Government.

e. In block 12c (Net Active Service This Period), enter the amount of service this period, computed by subtracting item 12a from 12b. Lost time under Title 10 USC 972 and non-creditable time after ETS, if any, are deducted. Such time will be identified in block 18 (Remarks). If soldier was released from active duty because of voided enlistment, enter "00 00 00."

f. In block 12d (Total Prior Active Service), from previously issued DD Forms 214 and or ERB/ORB, enter the total amount of prior active military service, less lost time, if any.

g. In block 12e (Total Prior inactive Service), from previously issued DD Form 214 and or ERB/ORB, enter the total amount of prior inactive service, less lost time, if any.

h. In block 12f (Foreign Service), from the ERB/ORB, enter the total amount of foreign service covered in block 12c.

//NOTHING FOLLOWS//